

EXHIBIT 2

PETER KENT
Smartmatic USA Corp vs Michael J. Lindell

August 07, 2024

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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF MINNESOTA</p> <p>3 Civil Action No. 22-cv-0098-WMW-JFD</p> <p>4 SMARTMATIC USA CORP.,)</p> <p>SMARTMATIC INTERNATIONAL)</p> <p>5 HOLDINGS B.V., and SGO)</p> <p>CORPORATION LIMITED,)</p> <p>6)</p> <p>PlaintiffIs,)</p> <p>7)</p> <p>vs.)</p> <p>8)</p> <p>MICHAEL J. LINDELL and MY)</p> <p>9 PILLOW, INC.,)</p> <p>)</p> <p>10 Defendants.)</p> <p>11 -----</p> <p>12</p> <p>13 REMOTE DEPOSITION OF PETER KENT taken</p> <p>14 Wednesday, August 7, 2024, pursuant to Rule 30 of</p> <p>15 the Federal Rules of Civil Procedure beginning at</p> <p>16 9:32 a.m. Central Time, via videoconference,</p> <p>17 Denver, Colorado, before Patricia Vigil-Ladner, a</p> <p>18 Registered Professional Reporter and Notary Public</p> <p>19 for the State of Colorado.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXAMINATION</p> <p>EXAMINATION PAGE</p> <p>2 August 7, 2024</p> <p>3</p> <p>4 PETER KENT</p> <p>5 EXAMINATION BY MS. LEVINE-PATTON 6</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 REMOTE APPEARANCES</p> <p>2</p> <p>3</p> <p>4 ON BEHALF OF THE PLAINTIFFS:</p> <p>5 MAURA T. LEVINE-PATTON, ESQ.</p> <p>Benesch, Friedlander, Coplan & Aronoff LLP</p> <p>6 71 South Wacker Drive, Suite 1600</p> <p>Chicago, Illinois 60606</p> <p>7 312-624-6368</p> <p>mlevine-patton@beneschlaw.com</p> <p>8</p> <p>MEGHAN GOLDEN, ESQ.</p> <p>9 Benesch, Friedlander, Coplan & Aronoff LLP</p> <p>71 South Wacker Drive, Suite 1600</p> <p>10 Chicago, Illinois 60606</p> <p>312-624-6378</p> <p>mgolden@beneschlaw.com</p> <p>11</p> <p>12 ON BEHALF OF THE DEFENDANTS:</p> <p>13</p> <p>CHRISTOPHER I. KACHOUROFF, ESQ.</p> <p>14 McSweeney Cynkar & Kachouroff, PLLC</p> <p>13649 Office Place, Suite 101</p> <p>15 Woodbridge, Virginia 22192</p> <p>703-621-3300</p> <p>16 chris@mck-lawyers.com</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Don Savoy, videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXHIBITS</p> <p>2 FOR IDENTIFICATION REFERENCE</p> <p>3 EXHIBIT 692 KENT REPORT 22</p> <p>4 EXHIBIT 693 TWITTER DOCUMENTS - 30 PGS. 30</p> <p>5 EXHIBIT 694 BERGER REBUTTAL REPORT 55</p> <p>6 EXHIBIT 695 ARTICLE 12/3/2021 67</p> <p>7 EXHIBIT 696 ARTICLE 8/3/2017 93</p> <p>8 EXHIBIT 697 DOCUMENT DATED 12/24/2019 98</p> <p>9 EXHIBIT 698 ARTICLE 5/2/2019 103</p> <p>10 EXHIBIT 699 TWITTER PROFILE 106</p> <p>11 EXHIBIT 700 KENT TWITTER PROFILE 107</p> <p>12 EXHIBIT 701 TWEET POST - 1 PG. 113</p> <p>13 EXHIBIT 702 JUDGE'S ORDER 116</p> <p>14 EXHIBIT 703 DRIPS HOLDINGS ORDER 119</p> <p>15 EXHIBIT 704 OPAL LABS ORDER 120</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 33</p> <p>1 Exhibit 693 is outside of that time period, 2 correct? 3 A. Sorry. What -- outside that time period. 4 It's within that. Oh, 2021. When is this? 2023, 5 yes, it's outside. 6 Q. How was your review of this specific 7 exhibit relevant to your analysis in this case? 8 A. Well, it clearly wasn't. 9 Q. You do not list any court file documents in 10 Exhibit B; is that right? 11 A. I -- I don't know. 12 Q. Please take a chance to look it over, and 13 let me know if you see any court file documents in 14 Exhibit B. 15 A. What do you mean by court file? You say 16 court file or court filed? 17 Q. I'm sorry. Yeah, that was a bad question. 18 I wasn't clear. I mean, documents, motions, 19 memorandums of law filed by the attorneys in this 20 matter. 21 A. Well, I have the complaints. Does that 22 count as one? 23 Q. Sure. Outside of the complaint. 24 A. And the exhibits to the complaint and the 25 first supplemental complaint, so. Well, we have</p>	<p style="text-align: right;">Page 35</p> <p>1 Smartmatic produced in this case when rendering 2 your opinions? 3 A. I don't know. Are any of these documents 4 on this list provided by Smartmatic? If not, then 5 I didn't. 6 Q. Why not? 7 A. Why? 8 Q. Yes, sir. 9 A. I'm asking you why. It's a rhetorical 10 question. I don't understand what relevance it 11 would have been to the task I was sent. 12 Q. Did you review any documents that the 13 defendants produced in this case when rendering 14 your opinions? 15 A. Say again, did I review? 16 Q. Any documents that the defendants produced 17 in this case when rendering your opinions in this 18 case? 19 A. Well, again, I had available to me the 20 documents in this exhibit. Exhibit B here. If -- 21 if you're after a document that's not on that list, 22 then I would say, no. 23 Q. Now, I'm still on page 46. The second to 24 last split before the break in the page reads 25 2023-09-21-TGP.</p>
<p style="text-align: right;">Page 34</p> <p>1 various complaints. Smartmatic being news media, 2 BPAL. We have all those. 3 Q. Did you review defendant's memorandum of 4 law in support of its motion to dismiss the 5 complaint in this case? 6 A. I don't know. Is it in here? 7 Q. I'll represent to you it's not in this 8 list. 9 A. Then I -- 10 Q. Would you have reviewed it outside of this 11 list? 12 A. No. I doubt very much I would have seen 13 it. 14 Q. Did you ask to review that? 15 A. I wouldn't have known it existed. 16 Q. Did you review Smartmatic's opposition to 17 defendant's memorandum of law to dismiss this case? 18 A. If it's not in that list, then, no. 19 Q. You also don't list any Bates-stamped 20 documents. Do you understand what Bates-stamped 21 documents are? 22 A. I do. 23 Q. Do you list any in Exhibit B? 24 A. I don't see any. 25 Q. Did you review any documents that</p>	<p style="text-align: right;">Page 36</p> <p>1 Do you see that? 2 A. I do. 3 Q. Do you recall what document that refers to? 4 A. No, I don't. 5 Q. The second half of this page lists several 6 Excel documents; is that correct? 7 A. There are a number, yes. 8 Q. Are these Excel documents also from Parkers 9 Daniel to you? 10 A. No, I believe these are documents I 11 actually created. These are documents from Infegy, 12 which is the tool I used for analysis. 13 Q. And did you produce those documents when 14 you produced your report in this -- when you served 15 your report in this case? 16 A. I did. Well, I provided the documents to 17 Parker Daniels, and they, I assume, provided them 18 to you guys, but that's out of my hands. 19 Q. Were all of these Excel documents from 20 Infegy? 21 A. Well, not all of them. I mean, for 22 instance, the second one is from BuzzSumo. A lot 23 of them are from Infegy. I don't recall where the 24 Bipar Share comes from, but it's probably defined 25 within my report somewhere.</p>

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<p style="text-align: right;">Page 37</p> <p>1 The rest -- apart from those two, the rest</p> <p>2 are Infegy documents or Infegy reports.</p> <p>3 Q. Just to be clear, this list of Excel</p> <p>4 documents is not publicly available; is that right?</p> <p>5 A. No, these are spreadsheets that I created</p> <p>6 and I provided.</p> <p>7 Q. I'd like to look at page 47 of Exhibit B.</p> <p>8 The heading at the top is Google Analytics Metrics.</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Each of the documents listed here are PDFs,</p> <p>12 or it appears that way; is that fair?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall how you went about collecting</p> <p>15 these PDFs?</p> <p>16 A. I didn't collect these. I was given these.</p> <p>17 Q. Who were you given these by?</p> <p>18 A. Well, by the attorneys.</p> <p>19 Q. Do you know if all of these are dated</p> <p>20 during your assignment period from November 20</p> <p>21 through February 4, 2021?</p> <p>22 A. Were they created? I don't know the</p> <p>23 question that you're asking me. Were they created?</p> <p>24 I'm sorry?</p> <p>25 Q. Dated. Do you know if all of these</p>	<p style="text-align: right;">Page 39</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. I was not given that task.</p> <p>4 Q. Have you considered any additional documents</p> <p>5 since you signed your report in this case other</p> <p>6 than Dr. Berger's rebuttal report?</p> <p>7 A. Yeah, I was going to say his report. No.</p> <p>8 Q. Okay. I'd like to turn to what's been labeled</p> <p>9 as page 49 of your report. This is your CV. Do</p> <p>10 you see that?</p> <p>11 A. I do.</p> <p>12 Q. Did you draft this?</p> <p>13 A. I did. And, in fact, I noticed yesterday</p> <p>14 this seems to be out of order. That was supposed</p> <p>15 to be Exhibit A, but evidently when I put it in I</p> <p>16 dropped it in the wrong position. But, yes, I did</p> <p>17 draft it.</p> <p>18 Q. Does this contain a full and accurate</p> <p>19 description of your expertise and your experience?</p> <p>20 A. I would say accurate. I wouldn't say full.</p> <p>21 Q. What is it missing?</p> <p>22 A. Well, I mean, I've done numerous things</p> <p>23 over the past 40 years, I guess. I've been</p> <p>24 involved in social media. It's hard to cover</p> <p>25 everything in a resume.</p>
<p style="text-align: right;">Page 38</p> <p>1 documents were dated during your assignment period?</p> <p>2 A. By dated I'm not sure what you mean. I</p> <p>3 could look at a date on the file, but are you</p> <p>4 asking -- do you really want to know when they were</p> <p>5 created or?</p> <p>6 Q. I'm just wondering if any of these</p> <p>7 documents are outside of your assignment period, if</p> <p>8 you can recall?</p> <p>9 A. If -- if the data within them relates to a</p> <p>10 period outside of my assignment period?</p> <p>11 Q. Yes.</p> <p>12 A. I'd have to go back and look at them, but I</p> <p>13 believe these are -- well, that's -- that's a good</p> <p>14 question. I don't know. I'd have to go look at</p> <p>15 the date range shown within the reports.</p> <p>16 Q. And again, you didn't gather any of these</p> <p>17 Google analytic metric documents yourself; is that</p> <p>18 right?</p> <p>19 A. Correct.</p> <p>20 Q. Did you review any academic literature in</p> <p>21 preparing your report in this case?</p> <p>22 A. I don't believe so unless I cite it in the</p> <p>23 report. I don't recall doing that.</p> <p>24 Q. Did you review all of the documents cited</p> <p>25 in Professor Berger's rebuttal report?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. How did you curate what to add and what to</p> <p>2 not add to the CV?</p> <p>3 A. I don't really know. When I sat down to</p> <p>4 write it, I wrote things I thought would be</p> <p>5 appropriate.</p> <p>6 Q. Appropriate for this case?</p> <p>7 A. No, this is more of a general CV. I didn't</p> <p>8 write this specifically for this case.</p> <p>9 Q. Now, this doesn't list your educational</p> <p>10 background; is that right?</p> <p>11 A. No, it doesn't.</p> <p>12 Q. Did you attend a college or university?</p> <p>13 A. I did.</p> <p>14 Q. Where?</p> <p>15 A. The University of Sheffield in Northern</p> <p>16 England.</p> <p>17 Q. When did you graduate?</p> <p>18 A. 1978.</p> <p>19 Q. And what was your degree in?</p> <p>20 A. Geography and geology. And I would note,</p> <p>21 of course, there was no social media in 1978.</p> <p>22 Q. Did you attend any schooling after</p> <p>23 undergraduate -- your undergraduate or university</p> <p>24 degree?</p> <p>25 A. I did, the school of life.</p>